

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

CALVIN JOSEPH BROWN,)

Defendant.)

CASE NO. CR05-395-JLR

DETENTION ORDER

Offenses charged:

Count 1: Felony in Possession of a Firearm - Armed Career Offender, in violation of Title 18, U.S.C., Sections 922(g)(1) and 924(e);

Count 2: Possession of a Firearm During and in Relation to a Drug Trafficking Crime, in violation of Title 18, U.S.C., Section 924(c);

Count 3: Possession of Methamphetamine with Intent to Distribute, in violation of title 21, U.S.C., Sections 841(a)(1) and 841(b)(1)(A)(viii).

Date of Detention Hearing: November 9, 2005.

The Court, having conducted a uncontested detention hearing pursuant to Title 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention

1 hereafter set forth, finds that no condition or combination of conditions which the defendant
2 can meet will reasonably assure the appearance of the defendant as required and the safety
3 of any other person and the community. The Government was represented by Andrew
4 Colasurdo. The defendant was represented by Peter Avenia.

5 The Government filed a Motion for Detention, to which the defendant stipulated,
6 reserving the right to re-open the matter.

7 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

8 (1) There is probable cause to believe the defendant committed the drug
9 offense. The maximum penalty is in excess of ten years. There is
10 therefore a rebuttable presumption against the defendant's release based
11 upon both dangerousness and flight risk, under Title 18 U.S.C. §
12 3142(e).

13 (2) Nothing in this record satisfactorily rebuts the presumption against
14 release for several reasons:

15 (a) The defendant poses a risk of flight as his ties to the Western
16 District of Washington are unknown or unverified and
17 he is associated with twelve alias names and two dates of birth.
18 Additionally, the defendant poses a risk of non-appearance given
19 his numerous acts of non-compliance with court orders and
20 failures to appear as indicated by his active bench warrant.

21 (b) The nature of the instant offense, in combination with the
22 defendant's extensive criminal history, poses a risk of danger to
23 the community. The defendant's violation of a domestic violence
24 no contact order further justifies the Court's concern of danger.

25 (c) The defendant stipulates to detention.
26

- 1 (3) Based upon the foregoing information, which is consistent with the
2 recommendation of U.S. Pre-trial Services, it appears that there is no
3 condition or combination of conditions that would reasonably assure
4 future Court appearances and/or the safety of other persons or the
5 community.

6 **It is therefore ORDERED:**

- 7 (1) The defendant shall be detained pending trial and committed to the
8 custody of the Attorney General for confinement in a correction facility
9 separate, to the extent practicable, from persons awaiting or serving
10 sentences or being held in custody pending appeal;
11 (2) The defendant shall be afforded reasonable opportunity for private
12 consultation with counsel;
13 (3) On order of a court of the United States or on request of an attorney for
14 the Government, the person in charge of the corrections facility in which
15 the defendant is confined shall deliver the defendant to a United States
16 Marshal for the purpose of an appearance in connection with a court
17 proceeding; and
18 (4) The clerk shall direct copies of this order to counsel for the United
19 States, to counsel for the defendant, to the United States Marshal, and to
20 the United States Pretrial Services Officer.

21 DATED this 14th day of November, 2005.

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24 MONICA J. BENTON
25 United States Magistrate Judge
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